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October 11, 2012

Hon. Judge John Gleeson
United States District Court
Eastern District of New York
225 Cadman Plaza East, Room 727S
Brooklyn, New York 11201

RE: *Precision Associates, Inc. v. Panalpina World Transport (Holding) LTD., et. al.*,
Case No.: 08-CV-00042 (JG) (VVP)

Dear Judge Gleeson,

Pursuant to this Court's Order of October 10, 2012, ECF No. 666 ("Order"), Plaintiffs write to (a) address the question of whether an interim distribution will be made to the class, and (b) request that they be permitted until November 16, 2012 to file amended notice papers incorporating the Court's requested changes, including additional settlements in this round of class notice, and making any additional changes or updates in light of the Amended Complaint that will be filed on November 15, 2012.

While Plaintiffs did not initially contemplate an interim distribution to the class, in light of the Kuehne + Nagel settlement, Plaintiffs now anticipate that an interim distribution is feasible and will be made. Plaintiffs sought to address this change in the *latest* proposed class notices filed on September 24, 2012. *See*, ECF No. 656, Ex. 1 ("Claims forms will be distributed and *processed at a later point in the case.*") (emphasis added). The Long Form Notice states the same. *See id.*, Ex. 2 at 6.¹ If the Court permits Plaintiffs to file amended notice papers on November 16, 2012, Plaintiffs will further amend the above language to be more specific about the timing of the anticipated interim distribution as well as a general description of the plan of allocation.

Further, as this Court may be aware, Plaintiffs filed a Motion for Preliminary Approval of a Settlement with Defendant Morrison Express yesterday. If the Court grants this motion, Plaintiffs respectfully request permission to include Morrison Express in this round of class

¹ In footnote 1 to the Order, this Court noted that the "notice documents appear to disclaim any intention of making an interim distribution. *E.g.*, ECF No. 656, Ex. 1 ('Short Form Notice to Class') (stating that the settlement fund 'will be distributed once the lawsuit is concluded against all the Defendants.')." But that language is from Plaintiffs' *previous* submission of the class notice papers filed on July 2, 2012, *see* ECF No. 593-3, Ex. 4 (Kinsella Decl.), and not from Plaintiffs' submission on September 24, 2012 as ECF No. 656. That prior language no longer appears in the class notice papers as filed most recently with this Court. Plaintiffs regret not specifically calling that change to the Court's attention.

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notice. This inclusion will spread notice and administration costs over more settlements thereby resulting in a lower payout of expenses for the class. Including the Morrison Express settlement in this class notice will also provide more formal information to Intervenor and all other class members.

Finally, Plaintiffs will make all of the changes to the class notice papers as requested by this Court in its Order. Those changes will be reflected in Plaintiffs' submission on November 16, 2012. Permitting Plaintiffs to file amended notice papers on November 16, 2012 will allow Plaintiffs to incorporate any significant changes in the claims resulting from the filing of the Amended Complaint and to apprise class members of the information referred to above.

Plaintiffs apologize to the Court for the inconvenience from the repeated amendments to the notice papers but respectfully submit that they are necessitated or well justified by the additional settlements, the ability to do an interim distribution and the other matters set forth above. Thank you very much.

Sincerely,

/s/ Adam J. Zapala

Adam J. Zapala

cc: All Counsel of Record (via ECF)
Magistrate Judge Viktor Pohorelsky (via ECF and hand delivery)